

Seeing Green

The Klamath Tribe and golf course owners seek a windfall from a loophole.

BY NIGEL JAQUISS



IMAGE: Dennis Culver

A high-stakes land war is breaking out over a prime parcel of Willamette Valley land, and a distant Native American tribe is making a unique argument in hopes of winning the battle.

On the same side as the Klamath tribe from southwest Oregon is a pair of wealthy local former beer distributors. They're pitted against the city of Wilsonville and local residents anxious to keep the surrounding French Prairie areas of Clackamas and Marion counties rural.

At stake: whether the Wilsonville-Salem corridor along Interstate 5 will be open for development. Or will the intersection of I-5 and the Willamette River remain the natural geographic boundary for the Portland metro area's line on development—the urban growth boundary?

The Klamaths are relying on federal legislation called the Klamath Indian Tribe Restoration Act of 1986 to argue that they can take the Willamette Valley land “into trust” or make it part of their reservation about 200 miles from their Klamath County home. Since the Klamaths are legally a sovereign nation, they are exempt from state land-use laws.

But Wilsonville Mayor Charlotte Lehan says the tribe's plan depends on a narrow—and novel—interpretation of the Restoration Act.

“They are trying to shoehorn in off one provision that does not appear to consider the context of the full act,” says Lehan, who opposes development south of the Willamette.

The 400 acres in question, which includes the Langdon Farms golf course next to I-5 in Aurora and surrounding parcels, is owned by brothers Chris and Tom Maletis. The brothers sold their interest eight years ago in Maletis Beverage, Portland's biggest beer distributor, and bought Langdon Farms for \$10 million. Since then, they have contended

that their land, sandwiched between I-5 and the Aurora airport, would be far more valuable as a warehousing and distribution center.

In 2004, the Maletises employed the powerful consulting firm Goldschmidt Imeson Carter to help get their land brought into the Metro urban growth boundary. That result would have multiplied the land's value and let them switch their focus from tee times to trucking. But under enormous pressure from Maletis opponents, Metro ultimately chose to leave the land outside the UGB.

The stakes escalated last year, when the Legislature modified the process by which Metro brings land inside the boundary. The new system allows for the designation of urban and rural reserves and effectively locks up those lands under such a designation for 40 to 50 years.

Such protection is certainly the hope of Lehan and a group called "Friends of French Prairie," which wants to ensure protection of a wide swath of rich agricultural land. They were dismayed to learn recently that the Maletises had entered talks to develop the land with the Klamaths.

"We do not support development south of the Willamette River," Lehan tells WW. "What you see here is a group trying to make an end run around Oregon's land-use laws."

A couple of years ago, the Klamaths considered trying to locate a tribal casino at Langdon Farms, which is less than 20 miles from downtown Portland. That idea is apparently now dead. Instead, the Klamaths are working to buy the Maletises' land and develop the brothers' vision of a warehousing and distribution site.

"The Klamath Tribes appreciate the willingness of the Bureau of Indian Affairs to expedite the transfer from fee to trust of lands soon to be acquired by the Tribes in Aurora, Oregon," wrote Klamath chairman Joseph Kirk in a recent undated letter to the BIA provided to WW by a Maletis representative.

"The property offers the Tribes several business and employment opportunities, and other development opportunities," Kirk writes. "A question has arisen as to whether the Tribes intend to use that property for gaming. While that was our intent earlier, it is no longer part of our plans."

On June 20, Wilsonville City Attorney Michael Kohlhoff sent a nine-page letter to the BIA seeking to block the Maletis-Klamath plan.

"The intent of the Restoration Act and that of the Tribe was to restore the historic use and economic development of the reservation lands within Klamath County," Kohlhoff wrote. "'Anywhere' approval for the Langdon Farms French Prairie lands is not supported by the Act."

FACT: *Senate Bill 1011 in 2007 expanded the process by which Metro brings land into the UGB. Now, decisions about urban and rural reserves will be made by the “core four” representatives of Multnomah, Clackamas and Washington counties and Metro before being approved by the Metro Council.*

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